REMARKS

In the non-final Office Action, the Examiner objected to the specification; rejected claims 1-6, 8, 9, 11, 13, 14, 17-22, and 60-73 under 35 U.S.C. § 101 as directed to non-statutory subject matter; rejected claims 1-6, 8, 11, 13, 17-22, and 60-73 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. (U.S. Patent Application Publication No. 2005/0027699) in view of Maddalozzo, Jr. et al. (U.S. Patent No. 6,460,060) and Holt et al. (U.S. Patent No. 6,601,061); and rejected claims 9 and 14 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al., Holt et al., and Carolan et al. (U.S. Patent Application Publication No. 2004/0133440).

By this Amendment, Applicants amend claims 1, 6, 8, 9, 17, 19-22, 61, 62, 66, and 69-73 to improve form, and add new claims 74 and 75. Claims 1-6, 8, 9, 11, 13, 14, 17-22, and 60-75 are pending. Applicants respectfully traverse the Examiner's objection to the specification and rejections under 35 U.S.C. §§ 101 and 103.

OBJECTION TO SPECIFICATION

In paragraph 6 of the Office Action, the Examiner objected to the specification for allegedly failing to provide proper antecedent basis for the term "computer-readable memory device." Applicants' specification clearly discloses a "memory device" at, for example, paragraph 0033. The Examiner appears to be taking the stance that a memory device is not "computer-readable" (Office Action, paragraph 6). Applicants submit that the Examiner's allegation lacks merit. Further, Applicants' specification clearly recites that a memory device may store instructions executable by a processor (see, e.g., paragraphs 0031-0032).

Nevertheless, solely to expedite prosecution, Applicants have amended the claims to recite "memory device" rather than "computer-readable memory device."

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the objection to the specification.

REJECTION UNDER 35 U.S.C. § 101

In paragraph 8 of the Office Action, the Examiner rejected claims 1-6, 8, 9, 11, 13, 14, 17-22, and 60-73 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicants traverse the rejection.

The Examiner alleged that claim 1 is directed to a method, but is not tied to another statutory class and does not transform underlying subject matter to a different state or thing (Office Action, page 3). Without acquiescing in the Examiner's allegation, but solely to expedite prosecution, Applicants have amended claim 1 to make specific reference to hardware in the body of the claim. Thus, claim 1, and dependent claims 2-6, 8, 9, 11, 13, 14, 17-19, and 60-64, are clearly directed to statutory subject matter.

The Examiner alleged that claim 20 is directed to a device but recites "software per se" (Office Action, page 4). Without acquiescing in the Examiner's allegation, but solely to expedite prosecution, Applicants have amended claim 20 to recite a processor and a memory. Thus, claim 20, and dependent claims 65 and 66, are clearly directed to statutory subject matter.

The Examiner alleged that claim 21 is directed to a system but recites "software per se" (Office Action, page 4). Without acquiescing in the Examiner's allegation, but solely to expedite prosecution, Applicants have amended claim 21 to recite one or more memory devices. Thus, claim 21, and dependent claims 67 and 68, are clearly directed to statutory subject matter.

The Examiner alleged that claims 22 (and dependent claims 69 and 70) and 71 (and dependent claims 72 and 73) are directed to a computer-readable memory device but recite "software per se" (Office Action, page 4). Applicants submit that the Examiner's allegation lacks merit. Claims, similar to claims 22 and 71, have become commonly referred to as Beauregard claims (see In re Beauregard, 53 F.3d 1583 (Fed. Cir. 1995)), and have been accepted by the U.S. Patent and Trademark Office as statutory subject matter under 35 U.S.C. § 101. If the Examiner persists with this rejection, Applicants respectfully request that the Examiner provide the basis for the rejection under 35 U.S.C. § 101 by citing to the M.P.E.P. or case law that supports the Examiner's allegation.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. § 103 BASED ON AWADALLAH ET AL., MADDALOZZO, JR. ET AL., AND HOLT ET AL.

In paragraph 11 of the Office Action, the Examiner rejected claims 1-6, 8, 11, 13, 17-22, and 60-73 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al. and Holt et al. Applicants traverse the rejection.

Independent claim 1, for example, is directed to a method performed by a device. The method comprises receiving, by a processor of the device, a search query from a user; receiving, by the processor, search results, as first-search results, responsive to a search performed using the search query; performing, by the processor, a search of a history database using the search query to obtain search results, as second-search results, the history database storing information regarding documents previously accessed by the user; comparing, by the processor, information corresponding to the second-search results to information corresponding to the first-search

results to determine whether information corresponding to one of the second-search results matches information corresponding to one of the first-search results; adding, by the processor, the one of the second-search results to the first-search results when the information corresponding to the one of the second-search results does not match information corresponding to any of the first-search results; modifying, by the processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results; and outputting, by the processor, the first-search results with the added second-search result or the modified first-search result.

Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 1. For example, Awadallah et al. , Maddalozzo, Jr. et al., and Holt et al. do not disclose or suggest modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

The Examiner alleged that Awadallah et al. and Maddalozzo, Jr. et al. disclose moving a position of the one first search result, and cited paragraph 0045 of Awadallah et al. for support

(Office Action, page 7). The Examiner admitted, however, that Awadallah et al. and Maddalozzo, Jr. et al. do not disclose or suggest modifying the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, and alleged that Holt et al. discloses modifying the one of the first-search results, for which the corresponding information matches the information to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, and cited column 4, lines 56-65, and column 5, lines 34-50, of Holt et al. for support (Office Action, page 7).

Without acquiescing in the Examiner's allegations, Applicants submit that Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination, do not disclose or suggest modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At paragraph 0045, Awadallah et al. discloses:

> In an embodiment, each of results from source 1 (202), results from source 2 (204), and results from source 3 (206) are placed on a search results page in distinctly different regions so that it is visually clear that they are from different sources and/or are of different types of results. In an embodiment, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be in different regions that are not visually distinct, but that are nonetheless

> logically distinct. Alternatively, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be mixed together, but nonetheless labeled so that their sources, or the types of source from which they originate, are clear. Optionally, the mixture of results from different sources may be ordered according to a ranking that takes into account each listing's commercial value, quality value, relevance to the search, and/or other measures of the listing's relevance. In other embodiments, the type of source from which the results originate may not be identified or be identifiable.

In this section, Awadallah et al. discloses that the results from source 1, the results from source 2, and the results from source 3 may be mixed together. Even assuming, for the sake of argument, that the results from the different sources correspond to first-search results and second-search results (a point that Applicants do not concede), Awadallah et al. does not disclose or remotely suggest moving a result, from one source, a particular number of positions within results, from the one source, when information corresponding to a result, from another source, matches information corresponding to the result from the one source, as would be required by claim 1 based on the Examiner's interpretation of Awadallah et al. In fact, Awadallah et al. does not disclose moving a result a particular number of positions within results from the same source. Awadallah et al. also does not disclose what happens when a result from one source matches a result from another source. Rather, Awadallah et al. simply discloses that the results from the different sources can be mixed together. Thus, Awadallah et al. does not disclose or suggest modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At column 4, lines 56-65, Holt et al. discloses:

> The lower left circle 208 corresponds to search results stored by the search server 102 and made publicly available by the users generating the results. These publicly accessible results can be included when performing the user's search, and contribute to the current user's search. One advantage of saving previous search result objects for later sharing is that, as illustrated, there can be a portion 210 of saved search data that is no longer available to other search techniques, thus filing in knowledge gaps resulting from rapid changes in online data content.

In this section, Holt et al. discloses search results that have been saved and made publicly available by users. Holt et al. does not disclose or suggest moving a first-search result a particular number of positions within first-search results when information corresponding to a second-search result matches information corresponding to the first-search result. Thus, Holt et al. does not disclose or suggest modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At column 5, lines 34-53, Holt et al. discloses:

> Thus, after submitting 304 the search query, a time out test 306 (e.g., a waiting period timeout loop (not illustrated) is performed to determine whether results to the search were received within a certain timeout period. If there was no timeout, then resultant data is received 308 by the search server and integrated 310, e.g., duplicates removed, sorted, etc. according to the searcher's preferences (see related application Nos. 09/565,674 and 09/336,020), into search results obtained from searching other search domains (e.g., FIG. 2 items 202, 204). In one embodiment, duplicate results are identified by hashing search result URLs and/or document titles and removing URLs having duplicate hash values.
>
> In one embodiment, before removing duplicates, the number of duplicates for a result is counted so as to determine a relative referencing ranking of a duplicated

> result. Such a ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results after removing the duplicates.

In this section, Holt et al. discloses identifying duplicate search results, counting the number of duplicates for a search result, and determining a rank for the duplicated search result based on its number of duplicates. In other words, Holt et al. discloses determining a rank for a search result based on the number of duplicates that are identified for that search result. Determining a rank for a search result does not reasonably correspond to, and is independent from, moving a search result a particular number of positions within the search results. In fact, changing the rank of a search result does not necessarily result in a change in the position of the search result. For example, suppose that a set of search results includes search result 9 having a rank of 75, search result 10 having a rank of 60, and search result 11 having a rank of 45, and that search result 10 has two duplicates, which results in its rank changing from 60 to 65. Search result 10 would remain in position 10 – falling between search results 9 and 11. Even if the change in rank of a search result did result in a change in position of the search result, this still does not correspond to moving that search result a particular number of positions within the search results. Thus, Holt et al. does not disclose or suggest modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

Even if the disclosure of Holt et al. could reasonably be combined with the disclosures of Awadallah et al. and Maddalozzo, Jr. et al. (a point that Applicants do not concede), the combination still would not disclose or suggest modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

The Examiner alleged that it would have been obvious to incorporate Holt et al.'s disclosure into the combined system of Awadallah et al. and Maddalozzo, Jr. et al. to "reliably index and retrieve data from extend search source" (Office Action, page 7). Applicants submit that the Examiner has provided no explanation of how moving a position of a search result achieves the alleged benefit of "reliably index and retrieve data from extend search source," as alleged by the Examiner. Thus, the Examiner's reason falls short of establishing a prima facie case of obviousness with regard to claim 1.

Further, Applicants submit that modifying the Awadallah et al. system in the manner suggested by the Examiner would be directly contrary to the intended function of the Awadallah et al. system (i.e., to obtain search results from multiple sources and provide a combination of the search results as composite search results, where the source or type of each search result is clear (see, e.g., paras. 0040-0045)). Awadallah et al. discloses presenting search results from different databases in different regions within a search results page (Figure 2; para. 0043), or mixing the search results from different databases together and clearly labeling their source (para. 0045).

Even in the mixed presentation implementation, Awadallah et al. treats two identical search results from separate databases as two different search results (para. 0045). Thus, the Examiner's modification lacks merit.

For at least these reasons, Applicants submit that claim 1 is patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination. Claims 2-6, 8, 11, 13, 17-19, and 60-64 depend from claim 1 and are, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al. for at least the reasons given with regard to claim 1.

Independent claim 20 is directed to a device that comprises a processor and a memory. At least one of the processor or the memory implements means for obtaining search results, as first-search results, based at least in part on a search performed on a document corpus using a search query from a user; means for generating search results, as second-search results, based at least in part on a search performed, using the search query, on information regarding documents previously accessed by the user; means for determining whether information corresponding to any of the second-search results match information corresponding to the first-search results; means for adding one or more of the second-search results to the first-search results when the information corresponding to the one or more of the second-search results do not match any of the information corresponding to the first-search results; means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom of the first-search results when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results;

and means for outputting the first-search results with the added one or more second-search results or the modified one of the first-search results.

Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 20. For example, Awadallah et al. , Maddalozzo, Jr. et al., and Holt et al. do not disclose or suggest means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom of the first-search results when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, as recited in claim 20.

The Examiner alleged that Holt et al. discloses means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results only when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, and cited column 4, lines 56-65, and column 5, lines 34-50, of Holt et al. for support (Office Action, page 12). Without acquiescing in the Examiner's allegations, Applicants submit that Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination, do not disclose or suggest means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom of the first-search results when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, as recited in claim 20.

At column 4, lines 56-65 (reproduced above), Holt et al. discloses search results that have been saved and made publicly available by users. Holt et al. does not disclose or suggest moving

a first-search result a particular number of positions towards a bottom of first-search results when information corresponding to a second-search result matches information corresponding to the first-search result. Thus, Holt et al. does not disclose or suggest means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom of the first-search results when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, as recited in claim 20.

At column 5, lines 34-53 (reproduced above), Holt et al. discloses identifying duplicate search results, counting the number of duplicates for a search result, and determining a rank for the duplicated search result based on its number of duplicates. In other words, Holt et al. discloses determining a rank for a search result based on the number of duplicates that are identified for the search result. Determining a rank for a search result does not reasonably correspond to, and is independent from, moving a search result a particular number of positions within the search results, as explained above. Thus, Holt et al. does not disclose or suggest means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom of the first-search results when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, as recited in claim 20.

For at least these reasons and the reasons given with regard to claim 1, Applicants submit that claim 20 is patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination. Claims 65 and 66 depend from claim 20 and are,

therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al. for at least the reasons given with regard to claim 20.

Independent claim 21 is directed to a system that comprises one or more memory devices storing a history database that includes information regarding documents previously accessed by a user; and a browser assistant to: obtain search results, as first-search results, based at least in part on a search performed on a document corpus using a search query, obtain search results, as second-search results, based at least in part on a search performed on the history database using the search query, determine whether one of the second-search results is included within the first-search results, add the one of the second-search results to the first-search results when the one of the second-search results is not included within the first-search results, modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, and present either the first-search results with the added one of the second-search results or the first-search results with the modified one of the first-search results to the user.

Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 21. For example, Awadallah et al. , Maddalozzo, Jr. et al., and Holt et al. do not disclose or suggest a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of

positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, as recited in claim 21.

The Examiner alleged that Awadallah et al. and Holt et al. disclose these features and cited paragraph 0045 of Awadallah et al., and column 4, lines 56-65, and column 5, lines 34-50, of Holt et al. for support (Office Action, pages 13-14). Applicants submit that Awadallah et al. and Holt et al. provide no support for the Examiner's allegations for at least reasons similar to the reasons given with regard to claims 1 and 20.

For at least these reasons, Applicants submit that claim 21 is patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination. Claims 67 and 68 depend from claim 21 and are, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al. for at least the reasons given with regard to claim 21.

Independent claim 22 recites features similar to, yet possibly different in scope from, features recited in claim 1. Claim 22 is, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 1. Claims 69 and 70 depend from claim 22 and are, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al. for at least the reasons given with regard to claim 22.

Independent claim 71 recites features similar to, yet possibly different in scope from, features recited in claim 1. Claim 71 is, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 1. Claims 72 and 73 depend from claim

71 and are, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Holt et al. for at least the reasons given with regard to claim 71.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 1-6, 8, 11, 13, 17-22, and 60-73 under 35 U.S.C. § 103 based on Awadallah et al., Maddalozzo, Jr. et al., and Holt et al.

REJECTION UNDER 35 U.S.C. § 103 BASED ON AWADALLAH ET AL., MADDALOZZO, JR. ET AL., HOLT ET AL., AND CAROLAN ET AL.

In paragraph 13 of the Office Action, the Examiner rejected claims 9 and 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al., Holt et al., and Carolan et al. Applicants traverse the rejection.

Claims 9 and 14 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 9 and 14, Applicants submit that the disclosure of Carolan et al. does not cure the deficiencies in the disclosures of Awadallah et al., Maddalozzo, Jr. et al., and Holt et al. identified above with regard to claim 1. Thus, claims 9 and 14 are patentable over Awadallah et al., Maddalozzo, Jr. et al., Holt et al., and Carolan et al., whether taken alone or in any reasonable combination.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 9 and 14 under 35 U.S.C. § 103 based on Awadallah et al., Maddalozzo, Jr. et al., Holt et al., and Carolan et al.

NEW CLAIMS

New claims 74 and 75 depend from claim 21. Claims 74 and 75 are, therefore, patentable over the applied references for at least the reasons given with regard to claim 21.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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